

UNITED STATES DISTRICT COURT
FOURTH DIVISION
DISTRICT OF MINNESOTA

Kari Bornhoft,

Court File No. _____

Plaintiff,

NOTICE FOR REMOVAL

v.

Superior Plus Construction Products Corp., FBM Galaxy, Inc. and Foundation Building Materials, LLC,

Defendants.

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA:

Petitioner\Defendants Superior Plus Construction Products Corp., FBM Galaxy, Inc. and Foundation Building Materials, LLC, respectfully show and alleges the following in support of its Petition for Removal.

1. Petitioners are the Defendants in an action commenced against them in Ramsey County District Court entitled Kari Bornhoft v. Superior Plus Construction Products Corp., FBM Galaxy, Inc. and Foundation Building Materials, LLC. A true and correct copy of the Second Amended Summons and Complaint served upon petitioner is attached as Exhibit "A". No further proceedings have taken place in the state action.

2. Plaintiff, Kari Bornhoft, is and was at all relevant times a citizen of the State of Minnesota. Petitioners\Defendants Superior Plus Construction Products

Corp. and FBM Galaxy, Inc., are and at all relevant times corporations with their principal place of business in the State of Pennsylvania. Petitioner/Defendant Foundation Building Materials, LLC, is and at all relevant times a corporation with its principal place of business in the State of Delaware.

3. Complete diversity exists among the parties to this action and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. The sole shareholder for Foundation Building Materials, LLC is Foundation Building Materials, Inc., a Delaware Corporation.

4. Based upon the foregoing, this Court has original jurisdiction for this matter pursuant to 28 U.S.C. § 1332, and the entire matter is one which may be removed to this Court pursuant to 28 U.S.C. § 1441.

5. The Summons and Complaint in the state action was served on Defendants on or about March 2, 2022, and Petitioner\Defendant have filed this Notice to Remove within thirty (30) days after service of the Summons and Complaint.

WHEREFORE, Petitioners\Defendants Superior Plus Construction Products Corp., FBM Galaxy, Inc. and Foundation Building Materials, LLC, pray that the state action pending against them be removed to this Court.

Dated: March 10, 2022

Lind, Jensen, Sullivan & Peterson
A Professional Association

/s/ Brian A. Wood

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